

ENTERED

December 23, 2015

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISIONCONNECTICUT GENERAL LIFE
INSURANCE COMPANY, *et al*,

Plaintiffs,

VS.

HUMBLE SURGICAL HOSPITAL, LLC,

Defendant.

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CIVIL ACTION NO. 4:13-CV-3291

ORDER ON DISCOVERY DELAYED

Before the Court is the oral emergency request of the defendant, Humble Surgical Hospital, LLC, to relax or not apply the Court's discovery cut-off date of October 30, 2015, to a non-party, MultiPlan, in connection with a duly issued subpoena, issued prior to the cut-off date. Counsel for CIGNA and MultiPlan participated in a telephone conference with the Court. This conference followed a hearing on Humble's Rule 45 hearing before the United States District Court for the Southern District of New York, Manhattan Division before the Honorable Gregory H. Woods.

It is undisputed that a duly issued subpoena was timely served on MultiPlan and that MultiPlan has failed to fully comply with Humble's request. Judge Woods received arguments on the dispute and is poised to rule in his Miscellaneous Case No. 15-MC-385. This Court will not interfere with that process.

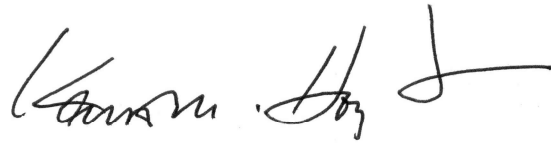
As arguments to intervene, MultiPlan asserts two reasons: (1) the data in the form requested by Humble requires MultiPlan to prepare a document that is not specifically

identified in the subpoena; and (2) the time for completing discovery has expired. These arguments fail.

The argument against production, that MultiPlan and CIGNA present is under consideration before Judge Woods. The latter argument, however, will be addressed by this Court. It is the Court's intent that the cut-off date for discovery apply to all discovery in this litigation. However, a discovery cut-off date should not be viewed as a "hard-and-fast" rule in the instance where a party or non-party uses the date to frustrate a timely discovery request. Therefore, the cut-off date is relaxed, for the limited purpose of permitting the discovery request direct to MultiPlan to be determined by Judge Woods.

It is so Ordered.

SIGNED on this 23rd day of December, 2015.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt
United States District Judge